

## **AFTER ACTION REPORT**

### **REGULAR CITY COMMISSION MEETING MONDAY, JUNE 7, 2010 6:30 P.M.**

**DELTONA COMMISSION CHAMBERS  
2345 PROVIDENCE BLVD.  
DELTONA, FLORIDA**

---

### **AGENDA**

1. CALL TO ORDER - 6:30 p.m.
2. ROLL CALL - CITY CLERK
3. SILENT INVOCATION AND PLEDGE TO THE FLAG:
4. APPROVAL OF MINUTES & AGENDA:

Regular City Commission Meeting – May 17, 2010.

Commission voted unanimously to adopt the minutes of the Regular City Commission Meeting of May 17, 2010 as presented.

B. Additions or Deletions to Agenda.

5. PRESENTATIONS/AWARDS/REPORTS:

- A. Presentation - Certificates for Superstar Students of the Month - May, 2010.
- B. Presentation of Certificates – Trinity Christian Academy Baseball Eagles for winning their 2<sup>nd</sup> in a row Class 1A State Championship.

City Manager reported that Trinity Christian Academy Baseball Eagles requested that the item be tabled to June 21, 2010.

- C. Presentation – Boy Scouts of America Annual Charter Certificate.
- D. Presentation - Certificates for Community Service Excellence - Johana Knox Awards.
- E. Proclamation - National Garden Week - June 6 - 10, 2010.
- F. Presentation – Certificates of Recognition – Fire Department Personnel.
- G. Proclamation – Steven C. Mills – June 7, 2010.

6. PUBLIC FORUM – Citizen comments for items not on the agenda.  
(4 minute maximum length)

**CONSENT** All items marked with an \* will be considered by one motion unless removed  
**AGENDA:** from the Consent Agenda by a member of the City Commission. If an item is removed for clarification only, it will be discussed immediately following action on the Consent Agenda. If an item is removed for further discussion, it will be discussed under New Business immediately following the last listed item.

7. CONSENT AGENDA:

After discussion the Commission voted 5 to 1 (Commissioner Zischkau voted against the motion) to approve Items 7-A through 7-C.

- \* A. Resolution No. 2010-06, Initial Assessment Resolution for the creation of the Sullivan Street Streetlighting District.

*The City has received a petition requesting the creation of a new Streetlighting District for Sullivan Street. The petition bears thirty-six (36) signatures representing 51% of the property within the proposed boundaries. The proposed District will include the installation of ten (10) 100 watt HPS roadway street lights on existing overhead distribution poles. Sixty-eight (68) platted lots of approximately equal size exist within the proposed streetlighting district. The estimated annual charge per platted lot for the first year is \$97.79. The estimated annual charge per platted lot for second and subsequent years is \$14.97.*

Approved by Consent Agenda – to adopt Resolution No. 2010-06, creating the Sullivan Street Streetlighting District.

- \* B. Resolution No. 2010-10, Pertaining to the City’s Local Housing Assistance Plan

**and providing for increased costs of administration and reallocation of State Housing Initiatives Partnership (SHIP) Program Funds.**

*The City of Deltona receives funding from the State Housing Initiatives Partnership (SHIP) Program in annual allocations from the Florida Housing Finance Corporation (FHFC). Every three (3) years the City must submit a Local Housing Assistance Plan (LHAP) outlining the strategies in which the funds will be expended. The current LHAP was approved by the City Commission on April 5, 2010, for the Program Years 2011-2013.*

*Under the LHAP, entitlements are permitted to use monies deposited into the trust for implementation and administration purposes. The City has recognized that in the administration of the program for the current fiscal year, the current distribution of 5%, plus the program income distribution of 5%, is not adequate to pay the actual costs of the administration. Therefore, it is necessary to increase the percentage of program income up to the maximum 10% allowable to ensure that administration costs incurred are sufficient.*

**Approved by Consent Agenda – to approve Resolution No. 2010-10 providing for the reallocation of State Housing Initiatives Partnership (SHIP) Program funds, as defined within the Local Housing Assistance Plan (LHAP), to increase the percentage of program income up to the maximum 10% allowable to ensure administration costs incurred are sufficient.**

- \*C. Resolution No. 2010-11, Amendment to FY 2009/2010 Annual Budget to recognize Firefighter Pension Insurance Premium Tax in the amount of \$394,000.**

*Each year the City receives money from the State of Florida for the Firefighter Pension Premium Insurance Tax paid by Deltona residents. This is money charged to all homeowners on their homeowners' insurance bill to provide additional pension benefits and/or enhancements to firefighters.*

*As required by Generally Accepted Accounting Principles (GAAP) and as recommended by the City's auditors, this money is to be recorded in the General Fund as revenue with an offsetting equal pension contribution expense in public safety. Once received, this money is immediately transferred to the Firefighters' Pension Fund to fund new pension benefits and/or enhancements.*

*Since the GFOA made this review comment the premium tax money has been properly recorded in the City's Comprehensive Annual Financial Reports (CAFR) but has not in the past been budgeted. Although not required to be budgeted, we believe and the Auditors agree, that it is preferable to budget this so both the budget document and the related CAFR will be consistent with one another on this item. Staff does not know the amount that will be received in FY 2009/2010, however the premium tax received in FY 2008/2009 was \$394,453. Staff is*

*requesting a budget amendment for the FY 2009/2010 budget in the amount of \$394,000. There is no effect on General Fund fund balance since it is merely a pass-through revenue/cost item in the General Fund.*

**Approved by Consent Agenda – to approve Resolution No. 2010-11 for a FY 09/10 budget amendment in the amount of \$394,000 anticipated to be received from the State of Florida on behalf of the Firefighters' Pension Fund for funding of additional benefits to the Firefighters' Pension Plan.**

## **8. ORDINANCES AND -PUBLIC HEARINGS:**

- A. Public Hearing - Ordinance No. 03-2010, creating new Section 68-30, *Water Use Restrictions*, of the Deltona Code of Ordinances pertaining to water usage and adopting the St. Johns River Water Management District's Water Conservation Rule for Landscape Irrigation, for second and final reading.**

*The St. Johns River Water Management District has responsibility and exclusive authority for regulating the consumptive use of water; and part of that authority deals with landscape irrigation regardless of the source of the water. It is strongly recommended that local governments adopt an ordinance to enforce Rule 40C-2.042(2)(a), F.A.C., within its jurisdiction.*

*The intent and purpose of the Ordinance is to implement procedures that promote water conservation through more efficient landscape irrigation. Definitions are provided for ease of property classification, as the ordinance pertains to irrigation of both residential and commercial properties. Landscaping irrigation schedules are also depicted in the ordinance and they are based on the St. John's River Water Management District's guidance.*

*Without the adoption by the City of this Ordinance, the City will not be eligible for any possible funding from the District for alternative water supply related activities.*

*This Ordinance authorizes the City of Deltona Code Enforcement Officials to enforce the provisions of this Ordinance. The penalties for not complying with this Ordinance are stated in Sec. 67-9 Penalties.*

*This Ordinance, along with its enforcement shall become effective immediately upon its final passage and adoption.*

**After discussion, the Commission voted 4 to 2 (Commissioner Treusch and Commissioner Zischkau voted against the motion) to adopt Ordinance No. 03-2010, by amending the Deltona Code of Ordinances to add Section 68-30, "*Water Use Restrictions*" for second and final reading.**

- B. Public Hearing – Purchase Agreement for property located at 1901 S. Palomar Drive which is needed for the Fort Smith road widening project.**

*The City needs to acquire the property located at 1901 S. Palomar Drive, Deltona, Florida for the Fort Smith road widening project. The subject property was appraised at \$32,000.00 on September 10, 2009. The City has made an offer to the property owners, Victor and Maria Noe, in the amount of \$35,000.00, which they have accepted. In addition to the purchase price, the City shall be responsible for the costs of recording fees for the Warranty Deed and Title Insurance Policy.*

**After discussion, the Commission voted unanimously to authorize the purchase of the property located at 1901 South Palomar Drive, Deltona, Florida, at the purchase price of \$35,000.**

**C. Ordinance No. 06-2010, Amending Section 70-26 of the City of Deltona Code of Ordinances to amend the definition of a Public Market, for first reading.**

*During the most recent Commission workshop a discussion concerning the nature of the public market was held. In furtherance of that discussion, a revised definition of public market has been created to allow for the sale of crops, horticultural items, art and craft items. The definition has also been amended to allow a site of other than public property so long as the City has use of the property.*

*This Ordinance was scheduled through the Planning & Zoning Board on May 26th and the Board recommended approval of the Ordinance to the City Commission.*

**After discussion, the Commission voted 5 to 1 (Commissioner Zischkau voted against the motion) to approve Ordinance No. 06-2010 at first reading and to schedule second and final reading for June 21, 2010.**

**D. Ordinance No. 07-2010, Amending Section 110-706.02 of the Code of Ordinances, Pertaining to permitted uses in the R1-AAA, AA, A and R-1 Zoning Districts and Allowing Public Markets in said zoning districts as permitted uses, for first reading.**

*During the review of the proposal to move the public market, it was discovered that a public market could not be placed upon the church property absent a conditional use permit or an amendment to the land development code to allow public markets in the R-1 district.*

*The proposed Ordinance (2-page attachment) was presented to the City's Planning & Zoning Board on May 26th. The five (5) members present at the Planning & Zoning Board meeting voted unanimously to recommend approval of the Ordinance with conditions to allow the public market use in all zoning districts of the City as a conditional use. The City Attorney has prepared an alternate Ordinance (14-page attachment) addressing the conditions recommended by the Planning & Zoning Board.*

*Commissioner Denizac has expressed concern that the City ensure that the proposed church site on Providence/Tivoli Blvds. be fully handicap accessible should the public/farmer's market be moved to that location. Our Parks & Recreation Director and staff have been to the site and are recommending that parking for the market be on the grassy area adjacent to the church parking lot for those individuals who do not have accessibility concerns; and that handicap accessible parking and the market itself be on the paved portion of the site with directional signage to direct patrons to the appropriate parking areas.*

After discussion, the Commission voted 4 to 2 (Commissioner Deyette and Mayor Mulder voted against the motion) to adopt Ordinance No. 07-2010 to allow Public Markets as a Conditional Use in all Zoning Districts of the City at first reading and to schedule second and final reading for June 21, 2010.

**9. OLD BUSINESS:** None.

**10. NEW BUSINESS:**

**A. Consideration of appointment of a City representative to the Volusia County MPO's Bicycle and Pedestrian Advisory Committee (BPAC).**

*The City of Deltona is currently looking for one (1) individual interested in serving as the City's representative to the Volusia County MPO's Bicycle and Pedestrian Advisory Committee (BPAC). The Committee consists of 19 voting members made up of private citizens. The Committee meets on the second Wednesday of each month at 3:00 p.m. at the MPO office at 2570 W. International Speedway Blvd., Daytona Beach.*

*The mission of the BPAC is to: "Create and implement a regional plan for the continuing enhancement and expansion of the bicycle and pedestrian network. We will support activities that encourage and provide for a safe and balanced transportation system that promotes connectivity, mobility, health and an improved quality of life."*

*The City has run press releases and posted the openings on D-TV, the City's WebPage and bulletin boards. To date the City has received applications from the following interested individuals: Robert Echevarria and Eric D. Kallal.*

After discussion, the Commission voted unanimously to confirm the appointment of Robert Echevarria as the City's representative to the Volusia County MPO's Bicycle and Pedestrian Advisory Committee (BPAC).

**B. Consideration of appointment of one (1) member to the Planning and Zoning Advisory Board (Mayor Mulder's appointment).**



*Mr. Jose Irizarry, II appointed by Mayor Mulder to the City's Planning and Zoning Advisory Board has resigned from the Board effective May 19, 2010.*

*The City has run press releases and posted the openings on D-TV, the City's WebPage and bulletin boards. To date, the City has received applications from the following interested individuals: James E. Baumann, Jennifer Jane Healey, Benjamin Reyes, Helen Santos and Harry Wilkins.*

**Item tabled to June 21, 2010.**

**C. Resolution No. 2010-09, Executing and Delivering a Deed in Favor of the Florida Department of Transportation for Parcel No. 174 which is needed for the proposed widening of State Road 415.**

*As part of the proposed widening of State Road 415 by the Florida Department of Transportation (FDOT), a deed from the City of Deltona is required. The City currently owns a parcel section near the SR 415 corridor that would be necessary for FDOT to obtain rights to in order to move forward with the proposed widening project. The proposed changes to the right of ways in the area would place the new right of way line on land that is currently owned by the City. Parcel 174.1, Section 79120, F.P No. 407355-4, is currently owned by the City and is the portion needed by FDOT.*

*Parcel No. 174, Part B, covers a portion of Ft. Smith Boulevard per the plat of Deltona Lakes Unit 62 as recorded in Map Book 28, Page 95 of the Public Records of Volusia County, Florida. This part of the proposed area is roughly 4,712 square feet.*

*Parcel No. 174, Part C, covers a portion of Noremac Avenue per the plat of Deltona Lakes Unit 62 as recorded in Map Book 28, Page 95 of the Public Records of Volusia County, Florida. This part of the proposed area is roughly 719 square feet.*

*The parcel does not have any City utility or storm features within it, nor is there a stated purpose or need for the referenced property. The approval and execution of this deed would have no direct impact to the City.*

**After discussion, the Commission voted unanimously to adopt Resolution No. 2010-09 to execute and deliver a deed in favor of the Florida Department of Transportation conveying all rights, title and interest that said City has in and to Parcel 174.1, Section 79120, F.P. No. 407355-4, State Road 415 required for transportation purposes.**

**11. CITY COMMISSION COMMENTS:**

**12. CITY ATTORNEY COMMENTS:**

**13. CITY MANAGER COMMENTS:**

**14. ADJOURNMENT:**

**NOTE:** If any person decides to appeal any decision made by the City Commission with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings, and for such purpose he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based (F.S. 286.0105).

Individuals with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk at least three (3) working days in advance of the meeting date and time at (386) 878-8100.